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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/814,945

03/31/2004

Paul Jolicoeur

SSP-34145

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EXAMINER

GILBERT, WILLIAM V

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

11/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,945

Applicant(s)

JOLICOEUR ET AL.

Examiner

William V. Gilbert

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>28 March 2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a final office action. Applicant cancelled claims 1, 12, 25 and 27. Claims 2-11, 13-24, 26 and 28-52 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 4-9, 11, 13-20, 22-24, 26, 28, 29 and 30-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Harper (U.S. Patent No. 4,244,152).

Independent Claim 11: Harper discloses a work platform support system having a plurality of joists (14) and a plurality of hubs (12) the joists have four joists ("A", "B", "C" and "D", respectively from attached Figure 2 from Harper below) and four hubs ("W", "X", "Y" and "Z", respectively below), one joists and two hubs are stationary ("A", "W" and "Z") and two of the joists are rotatable ("B" and "C"; the joists are rotatable in that they have the capability to rotate) and two hubs and one joist

("X", "Y" and "D") are translatable (the hubs and joist are translatable in that they are capable of translation) and the two rotatable joists, translatable hubs and translatable joist can articulate with respect to the stationary joist and stationary hub so as to receive a work platform (26). Applicant should also respectfully note that claims drawn to "translation", "rotation", "pivoting" and "articulation" are met by the prior art of record in that while the joists are attached to the hubs, the resulting connection permits translation, rotation, pivoting and articulation, no matter how minimal.

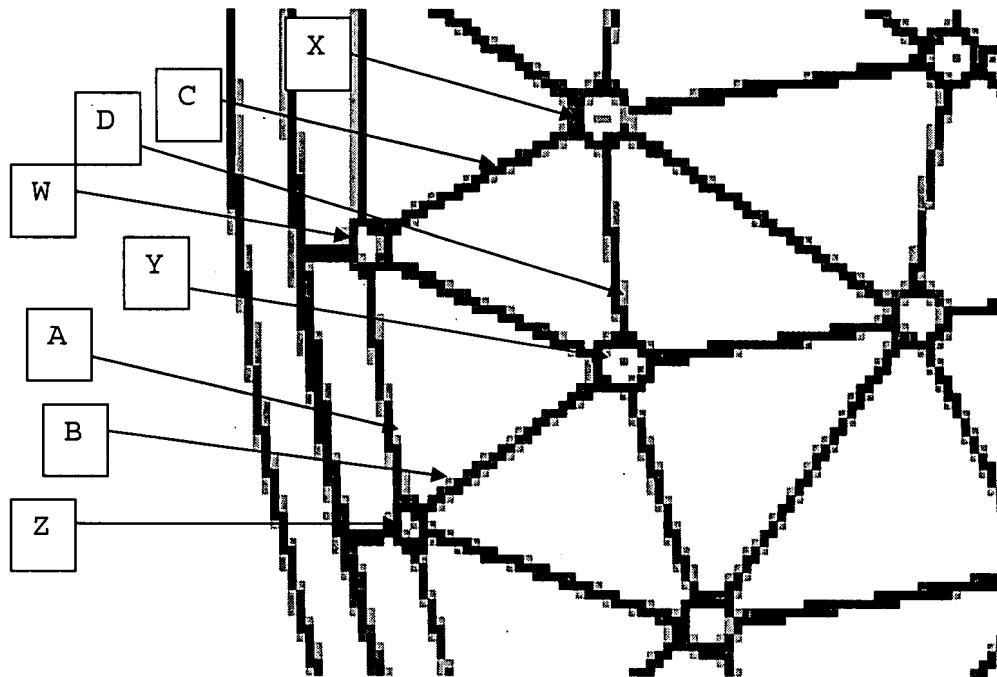


Figure 2 from Harper

Claim 2: the joists are bar joists.

Claim 4: the joists are shaped steel (Col. 5, lines 10-15).

Claim 5: a suspension connector (300) is connected to the hub.

Claim 6: the phrase "capable of being articulated" is a statement of intended use of the claimed invention and must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 7: the hubs have a plurality of openings to receive the joists (see "J" and "K" from attached Figure 4 from Harper below.)

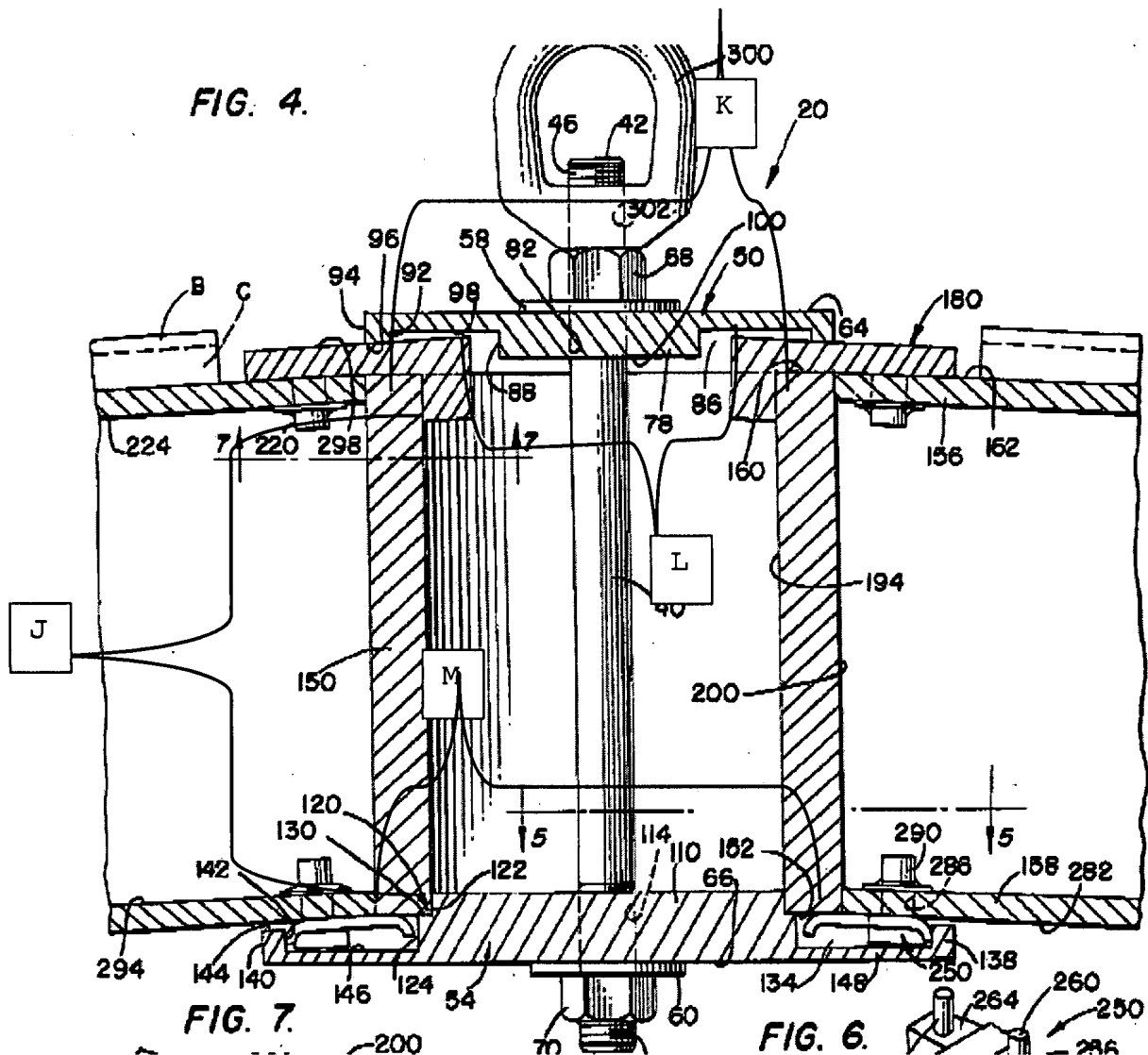


Figure 4 from Harper

Claim 8: the openings constitute a slot.

Claim 9: a work platform (26).

Claim 13: at least one hub has a first set of openings (114, "M" from attached Figure 4, above), a second surface parallel to the first surface having a second set of openings

(proximate "K", "L" above) a structural element (150) interspersed between the first and second surfaces. The phrase "adapted to provide an articulation...at least one joist", lines 7 and 8, is a statement of intended use of the claimed invention and must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 14: the first surface is substantially planar.

Claim 15: the second surface is substantially planar.

Claims 16-18: the structural element is a right circular cylinder and the longitudinal axis is normal to the first and second surfaces.

Claim 19: the first and second surface interconnect with at least one joist.

Claim 20: the surface has a support opening (100) configured to receive an attachment means (300).

Claim 22: the support opening is a slot.

Claim 23: Harper discloses four hubs ("W"- "Z" above) and four joist mechanisms ("A"- "D" above) interconnected with the hubs, one joist ("A") and two hubs ("W", "Z") are stationary,

two joists are rotatable ("B", "C"), two hubs and one joist are translatable ("X", "Y", "D") and the mechanism can articulate with respect to the stationary joist mechanism to receive a work platform (26). The phrase "can articulate...a work platform" line 14, is a statement of intended use of the claimed invention and must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim 24: Harper discloses a plurality of joists ("A"- "D") and a plurality of hubs ("W"- "Z"), a suspension connector (300) for suspending the hub, one joist ("A") and two hubs ("W", "Z") are stationary, two joists are rotatable ("B", "C"), two hubs and one joist are translatable ("X", "Y", "D") and the mechanism can articulate with respect to the stationary joist mechanism to receive a work platform (26). The phrase "can articulate...a work platform" line 14, is a statement of intended use of the claimed invention and must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the

prior art structure is capable of performing the intended use, then it meets the claim.

Claim 26: Harper discloses a platform by providing four joists ("A"- "D") and four hubs ("W"- "Z") the hubs are pivotally attached (see rejection of Claim 1 above for explanation of terms such as "pivotally") to the joists such that one of the joists ("A") and two hubs ("W", "Z") are stationary, two joists ("B", "C") are rotatable, and two hubs and one joist ("X", "Y", "D") are translatable and there is articulation among the elements so as to receive a work platform (26).

Claim 28: hoisting equipment is not required as it may be done by hand.

Claim 29: the articulation (of "A"- "D" and "W"- "Z" alone) would result in a cantilever.

Claim 30: Harper discloses a work platform structure having first and second hubs ("W", "Z") connected by a first joist ("A"), a third hub ("X") connected to a fourth hub ("Y") using a second joist ("D") the third and fourth hubs are connected to the first and second hubs with third and fourth joists ("B", "C") there is articulation to receive a work platform (see rejection of claim 1, above for explanation).

Claim 31: the fourth joist ("C") rotates with respect to the first hub.

Claim 32: the joist ("D") translates with the first joist.

Claim 33: the third joist ("B") pivots with respect to the third hub.

Claim 34: Harper discloses a first pair of hubs ("W", "Z") in a fixed relation with a first joist ("A") a second pair of hubs ("X", "Y") connected by a second joist ("D"), they are connected by third and fourth joists ("B", "C"), they articulate with respect to the first pair of hubs and can receive a work platform (see rejection of claim 1, above for explanation).

Claim 35: the fourth joist ("C") rotates with respect to the first hub.

Claim 36: the joist ("D") translates with the first joist.

Claim 37: the third joist ("B") pivots with respect to the third hub.

Claim 38: Harper discloses a platform structure have a pair of hubs ("W", "Z") connected in fixed relation using a first joist ("A"), a second pair of hubs ("X", "Y") connected with a second joist ("D"), the pair are connected to third and fourth

joists ("B", "C"), there is articulation to receive a work platform (26) (see rejection of claim 1, above for explanation).

Claim 39: the fourth joist ("C") rotates with respect to the first hub, the joist ("D") translates with the first joist, and the third joist ("B") pivots with respect to the third hub.

Claim 40: Harper discloses a work platform structure having a first pair of hubs ("W", "Z") in a fixed connection by a first joist ("A") a rotatable second joist ("B") connected to one of the first hubs, a rotatable third joist ("C") connected to the other of the first hubs) a third hub ("X") connected to the second or third joist and a fourth hub ("Y") connected to the other of the second or third joist a fourth joist ("D") connecting the third and fourth hubs, the joists and hubs articulate with respect to the first joist and hubs from an initial position to a final position in which a work platform can be supported.

Claim 41: the joist ("D") translates with the first joist.

Claim 42: the third joist ("C") pivots with respect to the third hub.

Claim 43: Harper discloses a structure having a first joist ("A") connected to a pair of hubs ("W", "Z"), second and third rotatable joists ("B", "C") and a translatable fourth joist

("D") the second third and fourth joists are connected by a pair of hubs ("X", "Y"), the joist assembly articulates with respect to the first hub and joist assembly to receive a work platform.

Claim 44: the third joist ("C") pivots with respect to the third hub.

Claim 45: first and second hubs ("W", "Z") are connected using a first joist ("A"), third and fourth hubs ("X", "Y") are connected by a second joist ("D") the hubs are connected by third and fourth joists ("B", "C"), articulation is involved among the joists and hubs with relation to each other to receive a work platform (see rejection of claim 1 for explanation of "articulation" with respect to the limitation.)

Claim 46: the third joist ("B") rotates with respect to the first or second hub ("W", "Z"; see rejection of claim 1 for explanation of "rotation".)

Claim 47: the joist ("D") translates with respect to the first joist ("A"; see rejection of claim 1 for explanation of "translation".)

Claim 48: the fourth joist ("C") pivots with respect to the third and fourth hubs (see rejection of claim 1 for explanation of "pivot".)

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harper in view of Strickland (U.S. Patent No. 5,771,655)

Claim 3: Harper discloses the claimed invention except that the joists are open-web joists. Strickland discloses a frame system with open-web joists (Fig. 3, generally). It would have

been obvious at the time the invention was made to a person having ordinary skill in the art to use open web joists with the system in Harper to reduce the overall weight of the structure while still maintaining proper performance.

Claims 10 and 21 and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper in view of Lewis (U.S. Patent No. 748,962).

Claims 10 and 21: Harper discloses the claimed invention except that the suspension connector (or attachment means) is a chain. Lewis discloses a connector is a chain (4). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the chain as attachment means because a lifting mechanism is required in Harper for the lifting eye (300) and the chain would provide adequate lifting.

Claim 49: Harper discloses a method of assembly by providing a plurality of joists ("A"- "D") and hubs ("W"- "Z") that are connected to each other, articulating from an initial position to a final position, the articulating includes rotating, translating the joists with respect to the hubs (see rejection of claim 1, above for explanation), and a suspension mechanism (300) is connected to the platform, but suspension of

the platform is not disclosed. Lewis discloses a connector is a chain (4) that would be used to suspend the platform. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the chain as attachment means because a lifting mechanism could be used in Harper for the lifting eye (300) and the chain would provide adequate lifting.

Claim 50: the mechanism would be cantilevered ("A"- "D" and "W"- "Z"; before being attached to the other joists and hubs.)

Claims 51 and 52: the method is done at least twice to assemble a work platform (Harper: Fig. 2, generally.)

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection as Applicant amended the claims.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William V. Gilbert whose telephone number is 571.272.9055. The examiner can normally be reached on Monday - Friday, 08:00 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571.272.6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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WVG

25th
20 Nov 07

Basil Kalit
Patent Examiner
Art Unit 3635
11/20/07